

SB3376



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3376

Introduced 2/10/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

105 ILCS 5/21-23a

from Ch. 122, par. 21-23a

Amends the School Code. Provides that the changes made by Public Act 96-431 to the ineligibility of a person to work in a school while serving first offender probation are declaratory of existing law. Effective immediately.

LRB096 17730 NHT 35832 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 21-23a as follows:

6 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

7 Sec. 21-23a. Conviction of certain offenses as grounds for
8 revocation of certificate.

9 (a) Whenever the holder of any certificate issued pursuant
10 to this Article has been convicted of any sex offense or
11 narcotics offense as defined in this Section, the State
12 Superintendent of Education shall forthwith suspend the
13 certificate. If the conviction is reversed and the holder is
14 acquitted of the offense in a new trial or the charges against
15 him are dismissed, the suspending authority shall forthwith
16 terminate the suspension of the certificate. When the
17 conviction becomes final, the State Superintendent of
18 Education shall forthwith revoke the certificate.

19 "Sex offense" as used in this Section means any one or more
20 of the following offenses: (1) any offense defined in Sections
21 11-6 and 11-9 through 11-9.5, inclusive, Sections 11-14 through
22 11-21, inclusive, Sections 11-23 (if punished as a Class 3
23 felony), 11-24, 11-25, and 11-26, and Sections 12-4.9, 12-13,

1 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal
2 Code of 1961; (2) any attempt to commit any of the foregoing
3 offenses, and (3) any offense committed or attempted in any
4 other state which, if committed or attempted in this State,
5 would have been punishable as one or more of the foregoing
6 offenses.

7 "Narcotics offense" as used in this Section means any one
8 or more of the following offenses: (1) any offense defined in
9 the Cannabis Control Act, except those defined in Sections
10 4(a), 4(b) and 5(a) of that Act and any offense for which the
11 holder of any certificate is placed on probation under the
12 provisions of Section 10 of that Act, provided that if the
13 terms and conditions of probation required by the court are not
14 fulfilled, the offense is not eligible for this exception; (2)
15 any offense defined in the Illinois Controlled Substances Act,
16 except any offense for which the holder of any certificate is
17 placed on probation under the provisions of Section 410 of that
18 Act, provided that if the terms and conditions of probation
19 required by the court are not fulfilled, the offense is not
20 eligible for this exception; (3) any offense defined in the
21 Methamphetamine Control and Community Protection Act, except
22 any offense for which the holder of any certificate is placed
23 on probation under the provision of Section 70 of that Act,
24 provided that if the terms and conditions of probation required
25 by the court are not fulfilled, the offense is not eligible for
26 this exception; (4) any attempt to commit any of the foregoing

1 offenses; and (5) any offense committed or attempted in any
2 other state or against the laws of the United States which, if
3 committed or attempted in this State, would have been
4 punishable as one or more of the foregoing offenses. The
5 changes made by Public Act 96-431 ~~this amendatory Act of the~~
6 ~~96th General Assembly~~ to the definition of "narcotics offense"
7 and to the ineligibility of a person to work in a school while
8 serving first offender probation in this subsection (a) are
9 declaratory of existing law.

10 (b) Whenever the holder of a certificate issued pursuant to
11 this Article has been convicted of first degree murder,
12 attempted first degree murder, conspiracy to commit first
13 degree murder, attempted conspiracy to commit first degree
14 murder, or a Class X felony or any offense committed or
15 attempted in any other state or against the laws of the United
16 States that, if committed or attempted in this State, would
17 have been punishable as one or more of the foregoing offenses,
18 the State Superintendent of Education shall forthwith suspend
19 the certificate. If the conviction is reversed and the holder
20 is acquitted of that offense in a new trial or the charges that
21 he or she committed that offense are dismissed, the State
22 Superintendent of Education shall forthwith terminate the
23 suspension of the certificate. When the conviction becomes
24 final, the State Superintendent of Education shall forthwith
25 revoke the certificate.

26 (Source: P.A. 96-431, eff. 8-13-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.